

### **REMARKS**

Claims 1-25 are pending. Claims 10 and 12 stand rejected under 35 USC § 112, and claims 1-2, 9-12, 17-18, and 21-23 stand rejected under 35 USC § 103. Applicant appreciates the recognition of allowable subject matter in claims 3-8, 13-16, 19-20, and 24-25. Applicant respectfully traverses the rejections in light of the amendments and the following remarks.

#### **Applicant requests interview**

Applicant respectfully requests an interview if it would expedite disposition of the application. The undersigned attorney would welcome and encourage a telephone conference with Examiner at (512) 243-5936.

#### **Replacement Drawing**

The replacement drawing for sheet 1 adds reference numbers in FIG. 1 to the antennae coupled with device 102 and device 104. These additions do not add new matter and are referenced by the specification at new paragraph [0016.1] above.

#### **Claim rejections under 35 USC § 112**

The Office action rejects claim 21 as failing to comply with the written description requirement. In particular, the Office action states that the limitations of “one or more dipole antenna(e); a transmitter, responsive to the one or more dipole antenna(e), to selectively communicate with a remote device” in claim 21 are not supported by the specification.

Applicant added paragraph [0016.1], which includes the subject matter of original claim 21, to address this rejection. Applicant also adds reference numbers to the antenna(e) coupled with the devices in the attached replacement sheet for FIG. 1. A person of ordinary skill in the art would understand how to make, use, or sell the embodiment described in claim 21 based upon the description in claim 21 and FIG. 1. Thus, Applicant respectfully requests that the rejection be withdrawn.

The Office action rejects claim 10 as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. In particular, the Office action states that the limitations of “a remote device”, “a local device”, and “an authentication policy” are unclear.

Applicant argues that the language of claim 10 is clear as amended. The apparatus of claim 10 comprises “a transmitter”, “a security agent... coupled with the transmitter” and the security agent is “associated with a local device”. The first instance of “an authentication policy” is described as “an authentication policy of a remote device” and the second instance is described as “an authentication policy of the local device”. The addition of the phrase “the authentication priority indicating a relative order for authentication between the local device and the remote device” further clarifies the relationships between the policies and the local and remote devices. Thus, Applicant respectfully requests that the rejection be withdrawn.

**Claim rejections under 35 USC § 103(a)**

The Office action rejected claims 1-2, 9-12, 17-18, and 21-23 under 35 USC § 103(a) as being unpatentable over Kimura, U.S. Patent Application No. 2001/0048744 (hereinafter referred to as “Kimura”) in view of Mihm, Jr., U.S. Patent No. 5,249,230 (hereinafter referred to as “Mihm”).

To establish a prima facie case of obviousness, the modification or combination must teach or suggest all of Applicants’ claim limitations.<sup>1</sup>

The combination of Kimura and Mihm fails to establish a prima facie case of obviousness for independent claims 1, 10, and 21 because the combination fails to teach or suggest all of Applicants’ claim limitations. In particular, the combination fails to teach or suggest an “...authentication priority indicating a relative order for authentication between the local device and the remote device.”

Kimura describes an access point device and its authentication method that includes: authentication request display means for notifying a network administrator

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<sup>1</sup> *In re Royka*, 490 F.2d 981, 985, 180 USPQ 580, 583 (CCPA 1974).

administering the LAN of the presence of an authentication-requesting mobile station so as to gain the final authorization of an authentication procedure when a mobile station in the area perform the authentication procedure before the initiation of an association procedure; and authentication input means from which the network administrator notified inputs an authentication-authorizing or -rejecting instruction with respect to the authentication-requesting mobile station.<sup>2</sup>

Mihm describes an environment which includes a communications network, user terminals, and an authentication center that provides communication services only to legitimate subscribers.<sup>3</sup> The center receives an equipment ID for each terminal and uses a secret key to encrypt the equipment ID with a user ID and an error detection code to form an encrypted block.<sup>4</sup> This block is programmed into an authentication module and sent to the subscriber for installation in the subscriber's terminal.<sup>5</sup> The center sends a public key to authentication nodes of the network.<sup>6</sup> When the subscriber operates the terminal to gain access to the network, a log-on message, which includes the encrypted block and an unencrypted version of the equipment ID, is sent to an authentication node.<sup>7</sup> The authentication node decrypts the encrypted block and evaluates the IDs to determine whether to grant access to services offered by the network.<sup>8</sup>

The Office action cites a portion of Mihm that teaches the setting of a priority level to manage the amount of traffic through an authentication node so that low priority users may be denied access or discontinued in favor of higher priority level users.<sup>9</sup> However, a priority level for traffic by a user through a node is distinct from and does not teach or suggest "...the authentication priority indicating a relative order for authentication between the local device and the remote device". Thus, the combination of Kimura and Mihm fails to teach or suggest all of the limitations of claims 1, 10, and

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<sup>2</sup> Kimura at Abstract.

<sup>3</sup> Mihm at Abstract.

<sup>4</sup> Mihm at Abstract.

<sup>5</sup> Mihm at Abstract.

<sup>6</sup> Mihm at Abstract.

<sup>7</sup> Mihm at Abstract.

<sup>8</sup> Mihm at Abstract.

<sup>9</sup> Mihm at col. 9, lines 50-60.

21. Applicant traverses the rejections and respectfully requests that the rejections be withdrawn and the claims be allowed.

### **CONCLUSION**

Applicant respectfully traverses the claim rejections under 35 USC §§ 112 and 103. Accordingly, Applicant believes that this response constitutes a complete response to each of the issues raised in the Office action. In light of the accompanying remarks, Applicant believes that the pending claims are in condition for allowance. Thus, Applicant requests that the rejections be withdrawn, pending claims be allowed, and application advance toward issuance.

This action accompanies an petition to revive the application along with the corresponding fee. No other fee is believed due with this paper. However, if any fee is determined to be required, the Office is authorized to charge Deposit Account 504238 for any such required fee.

Respectfully submitted,

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/Jeffrey S Schubert/

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Date

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